

COUNTY OF KAUAI
Minutes of Meeting
Open Session

Board/Committee:	LIQUOR CONTROL COMMISSION	Meeting Date	August 4, 2016
Location	Mo'ikeha Building, Meeting Room #3	Start of Meeting: 4:02 p.m.	End of Meeting: 4:33 p.m.
Present	Chair Pro Tem Gary Pacheco; Members: Paul Endo, William Gibson, Jean Iida, Dane Oda Also: Liquor Control Staff: Investigator Lorenzo Moises, Private Secretary Cherisse Zaima; Deputy County Attorney Nicholas Courson		
Excused	Gerald Matsunaga, Shirley Akita		
Absent			

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SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Pro Tem Pacheco called the meeting to order at 4:02 p.m. with 5 members present, constituting a quorum.
Roll Call	Investigator Moises called roll, noting 5 members were present.	
Approval of the Agenda		Mr. Endo moved to approve the agenda. Mr. Gibson seconded the motion. Motion carried 5:0.
Public Hearing	<p><u>HOKULEI CHEVRON</u>: Application No. 2016-124 was filed on May 23, 2016 by Lahaina Petroleum, LLC dba Hokulei Chevron for a Retail Dealer General license located at 4454 Nuhou Street #701, Līhu'e, Kauai, Hawaii.</p> <p>Mr. Descoe Chentnik, Manager of Operations was present along with attorney Laurel Loo, counsel.</p>	Mr. Endo moved to approve Application No. 2016-124. Ms. Iida seconded the motion. Motion carried 5:0.
Violation Hearing	<p><u>PORT ALLEN SUNSET GRILL & BAR</u>: Violation of Rule 7.8(a) Manager on duty, Qualifications.</p> <p>Mr. Peng Leng Tay, owner, was present, no counsel. Mr. Tay pleaded no contest.</p>	

Mr. Tay explained that he had scheduled a blue card holder to work on that day, but apparently, that employee did not show up. Because Mr. Tay was on vacation at the time, he was unable to address the situation directly. He noted that an hour later, an employee that held a blue card did show up to work.

Chair Pro Tem Pacheco asked if the licensee was aware of Rule 7.8, and what it requires, to which Mr. Tay replied yes, and once again stated he had been on vacation.

Commissioner Gibson asked how the licensee is working to resolve any issues when he goes on vacation to which Mr. Tay replied he now has more blue card holders on staff.

Commissioner Oda asked if the blue card holder that did not show up for work was informed of the violation, and whether or not he was still employed there. Mr. Tay replied the employee no longer works there.

Several Commissioners questioned if the employee holding the blue card did not show up, who opened up the restaurant. Mr. Tay explained that the cook opened up, and though he does have a blue card, the card is expired. Commissioner Endo asked whether the cook has renewed his blue card to which Mr. Tay replied he has informed the cook that he needs to take the test again.

Mr. Tay stated that it is difficult for his employees to obtain a blue card because the test is only held on Wednesdays in the afternoon, and sometimes they cannot make it. He further stated that when they do take the test, they often don't pass and have to make time to go back, and sometimes there are too many people and the room is full. He suggested the department allow people to make appointments on any day, and that the exams and cards be issued at any time, like the department of motor vehicles does for driver's licenses.

	<p>Director Rapozo explained that the blue cards are actually intended for managers – defined as someone in active charge of the premises. Frequently, licensees are sending people who do not fit the definition of a manager, such as servers, cooks, bussers, etc. to obtain blue cards just to ensure someone with a blue card is present in the premises. In one case, an incident occurred at a hotel, and the blue card holder on the premises was a security staff member who was not present or in active charge of the restaurant/bar where liquor was being served. When he was questioned about the occurrence, he was unable to provide any information as he stated he was not in the area at the time. Because so many employees, even those who are not managers, are being sent to obtain their blue cards, the department sometimes has large groups of people coming in for their blue cards. In the instances where this has occurred, the department has made accommodations to address that, sometimes offering additional exam times.</p> <p>Deputy County Attorney Courson reminded the Commission of the item they are currently discussing, noting that the subject of the process to obtain blue cards is not relevant to the violation hearing.</p> <p>Commissioner Oda asked that a memo be sent out to all licensees to explain the intent of the blue cards.</p>	<p>Mr. Endo moved that a fine of \$500 be imposed. Ms. Iida seconded the motion. Motion carried 5:0.</p>
Approval of the Minutes	<u>MINUTES OF THE MEETINGS OF JULY 21, 2016</u>	<p>Ms. Iida moved to approve the minutes of the meeting. Mr. Gibson seconded the motion. Motion carried 5:0.</p>
1.	<p><u>DIRECTOR'S REPORT:</u></p> <p>a) <u>INVESTIGATORS' REPORTS</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From Sweepstakes Consulting LLC, Re: Estancia Wines #ArtofEntertaining sweepstakes, and Clos du Bois Joie de Vivre sweepstakes</p>	

	<p>(2) From Avid Marketing Group, Re: Proximo Spirits coupon offers, and Tecate coupon offers</p> <p>(3) Disturbance Reports from Kauai Beach Resort, and Trees Lounge</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>(1) To Avid Marketing Group, Re: Proximo Spirits coupon offers, and Tecate coupon offers</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>(1) MAKAI GOLF CLUB AT THE ST. REGIS PRINCEVILLE RESORT</p> <p>(2) SHERATON KAUAI RESORT</p> <p>(3) WESTIN PRINCEVILLE OCEAN RESORT VILLAS</p> <p>(4) KILOHANA</p> <p>(5) KAUAI CHAMBER OF COMMERCE</p> <p>(6) KAUAI NORTH SHORE COMMUNITY FOUNDATION</p> <p>(7) KAUAI ANIMAL WELFARE SOCIETY</p> <p>(8) THE KAUAI MARATHON</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	
2.	<p><u>ANNUAL JOB PERFORMANCE REVIEW OF THE DIRECTOR</u></p> <p>Briefing by Boards and Commissions Administrator on Annual Evaluation Policies and Procedures</p>	<p>Ms. Iida moved to receive Items 1(a) through (f). Mr. Oda seconded the motion. Motion carried 5:0.</p>

	Boards and Commissions Administrator Jay Furfaro provided an explanation of the Department Head evaluation process, and distributed samples of the evaluation forms to be used.	
3.	<p><u>TRANSFER OF LIQUOR INVENTORY:</u></p> <p><u>WAIMEA PLANTATION COTTAGES:</u> Request to transfer remaining liquor inventory, per list, to the Board of Directors of Kikiaola Land Company for personal consumption.</p>	Ms. Iida moved to approve the transfer of liquor inventory. Mr. Oda seconded the motion. Motion carried 5:0.
4.	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <p><u>SOUTHERN GLAZER’S WINE AND SPIRITS, LLC:</u> Addition of SWS Holdings, Inc., and Glazer’s, Inc. as members; Addition of Bennett Joe Glazer, Michael Scott Glazer, Barkley Jerrel Stuart, and Betty Ilene Silverman as Managers.</p>	Mr. Gibson moved to accept the change in corporate officers. Ms. Iida seconded the motion. Motion carried 5:0.
Announcements	Next Scheduled Meeting: Thursday, August 18, 2016 – 4:00 pm, Mo‘ikeha Building, Meeting Room #3.	
Adjournment		Chair Pro Tem Pacheco adjourned the meeting at 4:33 p.m.

Submitted by: _____
Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
Gary Pacheco, Chair Pro Tem